

W5YI

America's Oldest Ham Radio Newsletter **REPORT**

Up to the minute news from the world of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable.

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Vol. 20, Issue #12

\$1.50

PUBLISHED TWICE A MONTH

June 15, 1998

ARRL "Backpedals" on its Request for Bandplan Ruling

The American Radio Relay League has submitted Comments on its Request for Declaratory Ruling filed April 3, 1998 with the FCC. In its comments, the ARRL says that the FCC has misidentified and misconstrued their request. On April 21, 1998, the Commission released Public Notice, Report No. 2269, requesting public comment on the League's proposal. The ARRL now says that FCC handling was incorrect and has led to significant confusion and misunderstanding within the amateur community. Here is what the League had to say in their comments:

"The procedural treatment of the League's Declaratory Ruling Request since its filing on April 3, 1998 has been extraordinary. ARRL said all they wanted was a confirmation of what a previous Chief of the FCC's Private Radio Bureau "...had stated in correspondence, and which the Commission has clearly and consistently supported as policy: that voluntary band plans, adopted cooperatively in the Amateur Service in a fair and open manner and by consensus, should be supported and adhered to as an element of 'good amateur practice' and spectrum efficiency."

ARRL said the FCC's mishandling has caused "...significant misunderstanding of the League's intent, and the content of the Request. The ARRL filing that initiated this proceeding was captioned a 'Request for Declaratory Ruling'. It was plainly

stated to have been filed pursuant to section 1.2 of the Commission's Rules, and it was not, and could not have been reasonably construed to be a *Petition for Rulemaking*. In fact, in filing the request, the League had no intention of proposing any change in the rules."

The issue, according the League was the need for an interpretation and clarification of what constituted 'good amateur practice' since the term is used in the rules and it was entitled to have its filing treated as a declaratory ruling request. "Where a petition essentially asks the Commission to determine in detail the meaning and scope of a particular rule or condition, the document is to be treated as a petition for declaratory ruling," ARRL stated.

"Instead, the Commission (without any advance notice to the League or its counsel, and without offering the League an opportunity to object) elected unilaterally to treat the request as a *Petition for Rulemaking*, and issued the public notice referenced above, identifying the League's request as a *Petition for Rulemaking*. This, of course, inevitably caused readers to perceive the request as a proposal for substantive rule changes."

According to Chris Imlay W3KD, ARRL counsel, an FCC staffer told the League that the characterization of the request as a petition for rule making was to afford an opportunity for public comment thereon. The League said "That explanation is

THE W5YI REPORT [Pub. No. 009-311] is published twice monthly by The W5YI Group, Inc., 2000 E. Randol Mill Road # 608-A, Arlington, TX 76011
SUBSCRIPTION RATE: (U.S., Canada and Mexico) One Year (24 issues) \$24.50 • Two Years: \$45.00 • Three Years: \$64.00. • Tel. 817/461-6443
Foreign Subscriptions via Air Mail: \$39.50 per year. (Payment may be made by Check, Money Order, VISA or MasterCard payable in U.S. funds.)
Periodicals Postage paid at Arlington, TX. POSTMASTER: Send address changes to THE W5YI REPORT, P.O. Box 565101, Dallas, TX 75356

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difficult to accept, however, since the Commission regularly affords the public an opportunity to comment on declaratory ruling requests, by issuing a simple public notice of the filing of a declaratory ruling request, and inviting comment thereon by a particular date."

The ARRL contended that "Contrary to the argument made in several of the comments filed to date, there was no intent whatsoever on the part of the League to stifle comment by filing a *Declaratory Ruling Request* pursuant to Section 1.2 of the Commission's rules. The intent, rather, was to seek clarification of the scope of an existing rule, thus to terminate controversy or remove uncertainty."

"Whether or not intentionally, the staff of the Private Wireless Division has created a significant misperception among those who might comment on the petition as to the nature and the scope of it, and whether or not it proposes a substantive rule change necessitating notice and comment rulemaking under the *Administrative Procedure Act*."

The League asked the FCC to immediately "...clarify by public notice that the Commission misidentified the League's request in the April 21, 1998 Public Notice, and that the League's request proposed no substantive rule changes whatsoever. It was not and is not the League's intent that this proceeding be considered a rulemaking proceeding because rulemaking is not proper in this context. If the Commission intends to proceed with rulemaking relative to the subjects contained herein, it should dismiss the League's *Declaratory Ruling Request* and initiate rulemaking on its own motion."

"The Commission's rules now require, and have long required, the cooperation of each station licensee and each control operator in the selection of transmitting 'channels' and in making the most effective use of any station [47 C.F.R. §97.101(b)]. This is a requirement that, by its very nature, presumes cooperative planning among the varied, and potentially conflicting, uses of amateur bands and shared-frequency operation. Amateurs generally have responded, as the Commission has anticipated, by the cooperative development of voluntary band plans for High Frequency, Very High Frequency, Ultra-High Frequency and Microwave bands."

"These plans are developed not by any League-dictated methods, nor are they the 'League's plans'. They are plans developed variously:

- (1) internationally, by international amateur radio societies working cooperatively, and adhered to internationally by agreement of amateurs;
- (2) on a national basis through the League's democratic procedures, working cooperatively with other amateur groups and individuals, including those not associated with the League; and

- (3) regionally and locally by groups of amateurs in those areas who are interested in activities on the band(s) in question."

"The plans are developed cooperatively and adhered to voluntarily, but they are necessary in order to assure the accommodation of all amateurs, in all of the varied on-air activities involved."

"The process works with a varying degree of success from time to time, and no one suggests that the bandplanning processes in each locality, or even at the national and international level, are perfect. If a band plan is not generally accepted in a particular region or locality by amateurs in that area; if it fails to accommodate a particular type of amateur use or group of amateurs; or if a plan is not generally adhered to on a national or international basis, no one would expect that compliance with it would be considered 'good amateur practice'."

"However, the process is indispensable to any self-regulated radio service with shared allocations, and it is absolutely critical that the Commission understand and restate the importance of band plans, and compliance with band plans generally, as an element of 'good amateur practice', as indeed Section 97.101(b) of the rules dictates. Indeed, the Commission has monitored the success of amateur band plans (described as 'voluntary spectrum management'), and has found that the process 'functions with considerable effectiveness in most instances.'"

"The comments filed to date suffer the same flaw: they assume that the League, volunteer repeater coordinators, or some other entity, is or are attempting to either (1) make specific bandplans mandatory; or (2) accommodate certain uses to the exclusion or disaccommodation of others in amateur bands. Exactly the opposite is intended." [We are including a sampling of the comments filed thus far at the end of this story.]

"Voluntary band plans should be voluntary, and adherence to them should remain voluntary." The ARRL wants the Commission to clarify "...that, given the widespread acceptance of band plans in the Amateur Service, operation not in harmony with those plans, which results in interference to other amateur uses, is not good amateur practice."

"This does not require that any band plan become 'mandatory' rather than voluntary. The League does not intend, and its Request does not require, that the requested declaratory ruling place any traveling amateur, perhaps unaware of specific repeater channelization in a region, or the local use of a particular FM frequency for packet radio rather than FM voice in a particular area, in a position of strict liability for an instance of transmitting at variance with an established band plan, even if a single

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instance results in interference."

"Some unintentional interference is to be expected in the Amateur Service, and no one can expect interference-free operation in any band at all times, given the shared nature of the bands and diverse uses. However, if a traveling amateur is alerted that his or her operation in a given locality is (1) causing interference to established operations, and (2) at substantial variance from band plans agreed upon and adhered to by amateurs in that locality; and if that amateur repeatedly persists in such operation, no reasonable person could suggest that the operation is in accordance with 'good amateur practice'."

"It is not unfair to criticize the procedures used by some regional or local band planning activities. Neither are band plans, be they international, national, regional or local, always adhered to by the majority of amateurs affected by them. That is a self-correcting problem, however. If a particular plan is not accepted generally by those affected, compliance with it cannot be reasonably considered to be good amateur practice. Amateurs dissatisfied with the procedures used in adopting or amending a band plan, or the with the substance of a particular plan, are not going to accept or adhere to it generally."

"Neither is the League's Request aimed at validating, or etching in stone, any band plan, or legitimizing any plan developed on a dictatorial basis by any entity. It is, rather, aimed at encouraging increased compliance with those band plans which are widely adhered to, and which have been developed cooperatively within the amateur community. If a particular plan does not fit those criteria, or if it becomes outdated, compliance with it cannot necessarily be construed to be "good amateur practice". Conversely, however, if a plan is generally accepted and adhered to, and if an individual repeatedly operates at substantial variance therefrom, which operation results in interference, that operation cannot be considered 'good amateur practice', and the former Chief, Private Radio Bureau, so held."

"Though the comments to date seem to characterize the matter as involving complex issues of due process and a change in the character of voluntary band plans, the declaratory ruling sought by the League involves no such issues or complexities. Nor does this bode ill for amateurs who might, from time to time, innocently operate at variance from voluntary band plans without knowledge of a local variation thereon."

"The League has no motive in this proceeding other than to encourage compliance with accepted, agreed-upon and cooperatively-established band plans by confirming that such operation is 'good amateur practice.' The need for confirming the Commission's previously stated policy in this regard is due to increased instances of interference caused by certain individuals who choose to

operate outside generally accepted band plans. The League seeks to promote self-regulation in the Amateur Service, and believes that confirmation of previously stated Commission policy as requested will facilitate such."

The ARRL concluded that "The Commission has caused confusion in the amateur community by its handling of the League's Request for Declaratory Ruling. At the same time, the comments filed to date in this proceeding, some of which predated the League's request, and thus were based only on presumptions of what the request might contain, reflect a misunderstanding of what is being requested."

"This misunderstanding has led commenters to presume that to grant the request would provide absolute authority on the part of the League, or volunteer repeater coordinators, to determine band plans which have the force of Commission regulations. Not so," ARRL said. "Nothing gives voluntary band plans any more force or effect than is afforded by the amateur community that accepts, rejects or modifies them. No repeater coordinator, coordination group, or other amateur group, including the League, dictates the structure of band plans."

"However, once a band plan is adopted internationally, nationally, regionally or locally by the amateur community, and once operating patterns in accordance with those plans are established, individual compliance with those plans must be considered 'good amateur practice.' The Commission has so stated in the past under delegated authority, and the confirmation thereof by the Commission will remove uncertainty."

The ARRL asked the FCC to "...issue, at an early date, a Declaratory Ruling stating that 'good amateur practice' anticipates compliance with the accepted voluntary international, national, and regional band plans adopted by cooperation and coordination among individuals and licensees in the Amateur Radio Service."

The ARRL comments were filed by the League's attorney, Chris Imlay, W3KD on May 21.

BAND PLANS AND 'GOOD AMATEUR PRACTICE'

Here is a sample of the comments that have been filed by the amateur community on the League's *Request for a Declaratory Ruling*. They overwhelmingly oppose the League's attempt to equate band plan compliance with 'good amateur practice' as envisioned by Section §97.101(a) of the Rules.

As a general rule, the comments basically say: (1) the FCC was correct in putting the Request out for preliminary comment, (2) the ARRL does not represent the majority of amateur operators, (3) the ARRL wants to determine the band plans and (4) the Request is a veiled attempt to protect the status quo ...especially older FM

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and CW operation.

"Hammett & Edison Radio Club opposes this request as it is vague, produces no benefits to the Amateur community, is a de facto rule making that would place tighter restrictions than those specified in Part 97 ...and would allow the ARRL or any other organization to change band plans at will with no opportunity for public comment. Violating a 'voluntary band plan would be citable under Section 97.101(a) of the FCC Rules, since violating a 'voluntary' band plan would not be operating in accordance with 'good amateur practice.'" -- *Hammett & Edison Radio Club, San Francisco, CA*

The ARRL suggests, and we strongly concur, that it is desirable and necessary for the concept of adherence to a formal, published, regional band plan being 'good amateur operating practice' to be more formally recognized by the Commission. ...The Amateur Service needs, and will significantly benefit from, a ruling formalizing or 'validating' the band plan concept of amateur spectrum management." -- *Southern California Repeater and Remote Base Association, Pasadena, CA*

"No Code International ...believes that demonstrated Morse code proficiency should not be a licensing requirement for any class of amateur radio license. ...No Code International is concerned that, if RM-9259 is adopted, the Commission will find itself championing the communications interests of the American Radio Relay League membership rather than the public and the amateur community at large which increasingly is adverse to using Morse code communications. ...Primarily due to the popularity of personal computers, satellites and the newer error-correcting digital modes, the communications interests of the amateur radio community has changed.

The ARRL is now but one of the many factions of Amateur Radio. As such, it should not be dictating the operating habits of all amateur radio operators by determining the use of their radio spectrum by band planning.

The Commission should not support specific communications modes or emissions to the exclusion of others which may be superior or desired by the majority. Instead it should provide the flexibility and operating environment needed for popular, new and experimental communications modes to flourish. -- *No Code International, Arlington, TX*

AMSAT wishes to express its support for the League's initiative. Included in these band plans which have been widely accepted by the amateur community, are provisions for using certain portions of the amateur

bands for space communication. Some of these so-called satellite bands are mandated by ITU regulation, while others are strictly a matter of 'gentlemen's agreement' within the amateur community. ...

In either case, AMSAT feels strongly that these band segments must remain as space communication sub-bands with a minimum amount of interference from other types of amateur operation. We feel that Commission action in implementing the ARRL initiative can contribute materially toward that objective." -- *Radio Amateur Satellite Corporation, Washington, DC, William A. Tynan W3XO, President.*

"ARRL contends that all amateurs should be familiar with the applicable band plans. And yet, most of the local band plans are arcane documents buried in the files of repeater councils. They do NOT appear in the ARRL Repeater Directory. Nor do they appear in the band plan section of ARRL's website. The most rudimentary due process safeguards are lacking if amateurs are to be held accountable for complying with band plans that they cannot readily obtain and study. ...

"If the Commission grants ARRL's Request in this matter now, there will be nothing like the 'widespread acceptance' that ARRL claims for the band plans it is asking the Commission to endorse. Repeater councils will think they have a mandate from the FCC to enforce their local band plans against weak signal operators and others who may have no say in their development. Weak signal and satellite operators, on the other hand, will think they have a mandate from the FCC to observe the national band plans even if a local repeater council has adopted a band plan inconsistent with the national band plan." -- *Prof. Wayne Overbeck, N6NB, Tustin, CA*

"I am disappointed and saddened that the ARRL which had a major role in forming my vision of reality in my younger years, has let us all down... What efforts has the ARRL made to educate the general Radio Amateur population about their band plans? We have seen a lot of new people enter Amateur Radio recently who do so without Elmering and inculcating which, in the past, traditionally accompanied learning the Morse code. These new people need to be educated and assimilated, not treated like criminals when they inadvertently use a frequency for something other than the ARRL's intended purpose.

"Band plans are not part of the syllabus the new people have been required to study in order to prepare for license examinations and indeed, is not part of the examination. The band plan for two meters, alone, is sufficiently complex as to defy memorization by mere mortals. Regional differences and local options will become traps for the unwary traveler who dares to key up on a clear

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frequency." — L. Raymond Pearl, AA7IH (QTH not stated.)

"Voluntary band plans which are imposed under force of law are not 'voluntary'... Since the first amateur license was issued in 1912, our mutual respect for one another has made it possible to have a very simple and straightforward band plan. The band plan of 1912 was 'listen first, and if the frequency is not in use, you may use it on a first come, first served basis.' It is implicitly understood that no amateur has any claim to the use of any frequency or group of frequencies for any particular purpose or any particular period of time.

"...Amateur radio operators are capable of resolving band sharing issues as they arise. ...The history of amateur radio very clearly demonstrates that no external forces are required to bring about substantial gentlemanly agreement and mutual cooperation.

"...The American Radio Relay League proposes to assume a dictatorial posture with respect to spectrum planning, yet they have not demonstrated through membership participation that they do, in fact, represent the majority interest of amateurs.

"The substantial motivation behind this current ARRL proposal is their desire to cement the CW spectrum set asides and lock them up. ARRL fully understands that Morse is dead, however they are determined to fight to keep it just as vigorously as they fought to prevent the no code license in the last decade. ...ARRL petitions the FCC declaring that they come speaking as 'the voice of amateur radio.' ...ARRL is merely the voice of a small group of men determined to hold off the future of communications as long as they possibly can.

"Our position is that unless and until ARRL can demonstrate substantially greater membership participation (measured apart from magazine subscriptions), the FCC should refrain from appointing them as the guardians of the ham bands." — *Independent Radio Alliance, NWPMS Repeater Association, Olympia, WA*

"The existing process by which voluntary band plans were established and continue to be established has the side effect of locking Amateurs into legacy technologies forever. There is no policy mechanism established to, for example, slowly convert paired 30 kHz Amateur FM repeater channels to digital voice communications technologies. Instead, today's voluntary band plans perpetuate the status quo and cause Amateur innovation to stagnate.

"...The existing voluntary band plans process is heavily politicized, rather than inspired by creative vision, technological leadership, and the need to move the Amateur service forward in to the 21st century. The result is that today's most popular operating mode "wins." The result is vast tracts of Amateur VHF and UHF spectrum

allocated exclusively to FM repeater operation, many of which are not heavily used. ...

"These policies have harmed the expansion of non-FM voice modes of operation including Amateur Television, narrowband and broadband digital data links, and new technologies like spread spectrum communications. Indeed, in 1996, Tucson Amateur Packet Radio (TAPR) requested a Special Temporary Authority to operate direct sequence spread spectrum in the Amateur bands. The ARRL opposed most all details of TAPR's proposal, partially on the grounds that it could hypothetically cause interference to operations conducted under the existing voluntary band plans." — *Edward Mitchell, KF7VY, Issaquah, WA*

"The group behind the current request to make band plans the law of the land have no interest in the accommodation or anything other than one emission mode, narrow band FM. ...It is an attempt to make law, at the expense of ham radio in general and to secure exclusive operating rights for select individuals and emissions. ...The ARRL staff and a group of hams have been striving to achieve through private efforts, the control of VHF and UHF frequency spectrum management." — *Henry B. Ruh, KB9FO, Crown Point, IN*

"MISMA applauds the Commission's wise decision to treat this Request for Declaratory Ruling as a Petition for Rule Making, and to accept comments from the public. ...The only reason why the ARRL is requesting a declaratory ruling rather than petitioning for a change in the rules is that this skirts the requirements of 'The Administrative Procedures Act'...

"To see why the ARRL would want to gain increased control of repeater coordination one only need consider a key source of funds for the operation of the ARRL. It is through book publication and the single most profitable product they have is 'The ARRL Repeater Directory.' ...

"The approval by the Commission of this ARRL petition is the first step in empowering the NFCC [*National Frequency Coordinators Council, Inc.*] to a position of political control as a 'coordination god.'

"...it has been explained by Mr. George R. (Dick) Isely, W9GIG, the President and CEO of NFCC, Inc. that the NFCC plans to establish bandplans, set coordination standards and eventually charge various fees or remuneration to cover its (NFCC's) expenses... It is the NFCC's intention to propose a new rule that would establish them as the sole organization through which frequency coordinators can be 'certified.'

"...The Commission should wholly reject this inappropriate petition and reaffirm its current rules. — *Midwest Spectrum Management Alliance, Inc., Plymouth, IN*

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"Readily available information suggests that the ARRL represents about 15 to 20 percent of the U.S. licensed amateurs. However, ...I am a long time member and supporter of the ARRL and am definitely in opposition to what is being proposed. ...The use of the computer and digital signal processing, along with other new technologies, have kept the Amateur up with the computer age. There will continue to be a gradual expansion of these digital modes as the younger computer generation becomes involved with Amateur Radio.

"Although there are recent improvements, the ARRL is still not current in its definition of how these digital technologies are defined and used. Their band plan only list 'packet' as the digital mode. It is safe to say that no board member of the ARRL is actively pursuing these newer enabling technologies and this is the reason for the absence of the mention of the newer modes. This is just one example of why a static band plan is not a wise choice, regardless of the motive of the ARRL." -- *Steve Waterman, K4CJX, Nashville, TN*

"It is both enlightening and important to note that this attempt by the ARRL to cause the Commission to effectively amend and extend its Rules into the previously voluntary area of mode, function, and emission based 'band plans' seeks to avoid the level of public comment and participation that such a change to the Commission's Rules deserves.

"The Commission is to be highly commended for recognizing that this issue deserves much wider public discussion and comment than the ARRL would have apparently desired and for its decision to open this issue to public comments in the light of day.

"...This Rulemaking proceeding is clearly just one of many instances where the ARRL, 'tail' should not be permitted to 'wag the Amateur Radio Service dog," -- *Carl R. Stevenson, WA6VSE, Macungie, PA*

EXTRA CLASS HAM CHARGED WITH MALICIOUS INTERFERENCE AND UNLICENSED OPERATION

A 31 year veteran FAA employee was arrested and charged with two Federal crimes for allegedly transmitting obscene language on an itinerant business frequency.

Cecil F. Owin Jr, AA5HX, an Extra Class Amateur Radio Operator from Houston was officially charged on May 13, 1998, in U.S. District Court, Southern District of Texas, Houston Division, for malicious interference to radio communications and for broadcasting without a license. He was not charged with the more serious federal felony crime of broadcasting obscene language which carries a maximum of 2 years imprisonment and a

\$250,000 fine..

Owin was caught redhanded following a probe into reports of sexual threats broadcast over 151.625 MHz, a frequency used by Continental Express Airlines ground employees. Continental Express was forced to increase security at its Ellington Field operations following complaints by several female employees that someone was breaking into their radio system on a daily basis over a two month period with offensive and lewd comments. When apprehended, Owin was monitoring the Houston Police Department channel to determine if they were talking about him. They were, but on another channel used by the Houston Airport Police.

A joint investigation involving Houston FCC Resident Agents, Loyd Perry and Oliver Long, the Houston Police Criminal Intelligence Division and the military police, spanned the period of December 15, 1997 through February 11, 1998. FCC mobile DF units revealed that the transmissions were originating from an FAA facility at Houston's Ellington Field.

While on his job as a maintenance worker, Owin was arrested and his illegally modified Alinco DJ960 handheld radio was seized. Owin was also banned from all military facilities located at the airport. Once an Air Force base, there are some military facilities still located at the airport now operated by the City of Houston.

Released on a \$10,000 dollar PR bond, Owin was reassigned to another Houston FAA facility pending the outcome of this case. Owin obtained his first ham ticket in 1979 as KA5SIT.

According to Assistant U.S. Attorney Mike Schultz, Owin could have been charged with a Title 18 obscenity crime. But due to his cooperation after arrest, he was charged with two lesser misdemeanor crimes, punishable with a maximum penalty of 1 year in jail and a \$100,000 fine on each of the two counts. Owin could also lose his amateur radio license since the FCC has held that serious communications violations committed in one radio service can impact licenses held in others.

The U.S. Attorney's office said what made this case particularly egregious was that Owin was a government employee committing a crime at a government facility, on government time against the very entity his agency was designed to protect, the airlines. Schultz said the situation might have been handled differently by his office had he been an ordinary citizen doing it once or twice.

Over the years Owin has also been suspected of jamming several local Houston area ham repeaters including a popular Monday night net operation on 146.94. Suspicious arose after suspect signals were allegedly traced to the trailer park where he resided. (*Criminal Case No. CR 98-165, U.S. District Court, Southern District of Texas*)

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AMATEUR RADIO STATION CALL SIGNS

...sequentially issued as of the first of June 1998:

Radio District	Group A Extra	Group B Advanced	Group C Tech/Gen.	Group D Novice
0 (*)	AB0HP	KI0NG	(***)	KC0DPX
1 (*)	AA1TR	KE1JU	(***)	KB1CWO
2 (*)	AB2FI	KG2OL	(***)	KC2DQL
3 (*)	AA3RD	KF3BR	(***)	KB3CRI
4 (*)	AF4KF	KU4SM	(***)	KF4YRO
5 (*)	AC5QF	KM5QQ	(***)	KD5EJG
6 (*)	AD6FK	KQ6WJ	(***)	KF6REV
7 (*)	AB7YL	KK7NV	(***)	KD7BZI
8 (*)	AB8CS	KI8FZ	(***)	KC8KHT
9 (*)	AA9WD	KG9NS	(***)	KB9SXJ
N. Mariana	NH0E	AH0AZ	KH0GY	WH0ABJ
Guam	(**)	AH2DH	KH2TK	WH2ANW
Hawaii	NH7S	AH6PK	KH7LG	WH6DEO
Am.Samoa	AH8R	AH8AH	KH8DM	WH8ABF
Alaska	AL0L	AL7RD	KL0OQ	WL7CUU
Virgin Isl.	(**)	KP2CN	NP2KD	WP2AIJ
Puerto Rico	NP3W	KP3BG	NP3WO	WP4NNT

* = All 1-by-2 & 2-by-1 call signs have been assigned.

** = All 2-by-1 call signs have been assigned.

*** = Group "C" (N-by-3) call signs have now run out in all call sign districts. (2-by-3 format call signs now being assigned.)

Note: New prefix numerals now being assigned in Puerto Rico (KP3/NP3), Hawaii (KH7/NH7) and Alaska (AL0/KL0)

[Source: FCC Amateur Service Database, Washington, DC]

NEW AND UPGRADING AMATEUR STATISTICS

For the Month of May 1996, 1997 & 1998

License Class	New Amateurs			Upgrading Amateurs		
	1996	1997	1998	1996	1997	1998
Novice	135	97	70	0	3	4
Technician	2888	2633	1411	2	14	21
Tech Plus	262	237	199	522	457	341
General	37	31	19	542	430	334
Advanced	7	8	2	407	316	237
Extra Class	2	7	5	362	235	172
Club/Empty	52	272	177	0	9	11
Total:	3383	3285	1883	1835	1464	1120
Decrease:		(2.9%)	(42.7%)		(20.2%)	(22.8%)

■ You can determine if your amateur station complies with the FCC's new RF Safety regulations by using the N6NB RF Safety Calculator installed on the web at: <<http://www.cs.utexas.edu/users/kharker/rfsafety/>>

You simply key in your average transmitter power at the antenna, antenna gain, distance to the area of interest and the operating frequency. The program immediately tells you if you are in compliance or not.

BARRY M. GOLDWATER, K7UGA DEAD AT AGE 89

Former Arizona Senator and staunch conservative presidential candidate Barry Goldwater K7UGA died of natural causes at his home in Paradise Valley, Arizona on May 29, 1998. He was 89. Born in Phoenix January 1, 1909, Barry was the son of an immigrant Polish peddler who launched the Goldwater department store chain. As a youth, he operated as 6BPI. He was first licensed as a ham operator in 1921.

After graduation from Staunton (Virginia) Military Academy, Barry joined the Army in 1930 as a Second Lieutenant and quickly rose through the ranks. During the Second World War, Goldwater was a pilot and colonel in the U.S. Army Air Force.

He entered politics in 1952 as a freshman Senator and his name was entered as a presidential candidate in 1960. Goldwater captured the 1964 presidential nomination after a convention fight with New York Gov. Nelson Rockefeller but lost to incumbent Pres. Lyndon Johnson.

Goldwater retired as an Air Force Reserve major general in 1967 and was re-elected to the Senate the following year. It was Barry who told Pres. Nixon in August 1974 that he would be impeached if he didn't resign. Nixon resigned that same week.

As a Senator, Goldwater's legacy included several pieces of Amateur Radio-related legislation. In 1964, Goldwater's bill to allow reciprocal operating agreements between the US and other countries was signed into law. It was his work on the bill that prompted the Arizona Senator to renew his interest in ham radio after a long absence. An active member of Air Force MARS, Goldwater handled thousands of phone patches during the Vietnam War era.

In 1982, Congress finally approved and Pres. Reagan signed what came to be known as the Goldwater Amateur Radio legislation, enacted as Public Law 97-259. The measure established the Amateur Auxiliary and the volunteer examination programs, permitted 10-year license terms, and exempted Amateur Radio from the secrecy provisions in the Communications Act. A year later, Pres. Reagan signed into law a bill including a Goldwater amendment that allowed the recovery of costs in the Volunteer Examiner program.

In 1985, Peggy, his wife of more than 50 years died. Barry retired from the Senate in 1987 and at age 83, remarried Susan Wechsler, 51. His health began to fail in 1996 when he suffered a stroke which damaged his brain and he was in the early stages of Alzheimer's disease.

Pres. Clinton ordered all U.S. flags on federal buildings and installations lowered to half-staff on the day of the funeral, June 3rd. Goldwater was a life member of the ARRL and served as president of the Quarter Century Wireless Association in the early 1970's.

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■ It looks like Microsoft's Windows-98 will be available to the public as scheduled on June 25th. Street cost will be around \$90. Federal Judge Thomas Penfield Jackson has set a trial date of September 8 for the U.S. Department of Justice's antitrust case against Microsoft Corp. More than 10 million PCs will be shipped to dealers from manufacturers with Windows-98 installed before the trial begins.

In a nutshell, here is what the government wants from Microsoft:

- 1.) **Separation of Internet Explorer from Windows**, or inclusion of Netscape's Navigator browser;
- 2.) **Give PC makers the right to add marketing messages** and other content to the Windows boot-up sequence; and;
- 3.) **An end to Microsoft contracts** that require Internet service providers and online services to play down competing browsers.

Jackson said he is likely to consolidate the separate suits filed by the DOJ and 20 separate states.

■ **Here are the main advantages of Windows-98.** On the surface, Windows 98 looks just like Windows 95 plus Internet Explorer 4.0. But there are some noteworthy improvements.

1. Smart Setup, Easy Upgrades: The retail release of Windows 98 will roll up three years' worth of patches, bug fixes, updated drivers and enhanced features -- all on one CD.

2. Better Crash Protection: The most noteworthy Windows 98 improvement in the stability category is the completely rewritten System Information utility. By gathering information from the Registry, from startup files and from running applications, it presents a complete picture of the current system configuration.

3. Reclaim Your Hard Drive: At a nickel per megabyte, the disk space you'll recover by converting a typical 2GB drive to the FAT32 format will pay for a major chunk of the Windows 98 upgrade cost.

4. Your PC Will Run (Slightly) Faster: Most of Win98's core components have been fine-tuned for performance: The swap file manages itself more intelligently. A built-in Registry Checker compacts the system Registry when needed. The memory management and cache modules are tuned to work optimally with FAT32's 4K clusters.

5. Hassle-Free Startup: Windows 98 is far more helpful than Windows 95 when

you have startup problems. A corrupt hardware driver can still keep your system from booting -- but only once thanks to the Automatic Skip Driver agent.

6. Runs Better on a Notebook: Windows 98 gives you total control over your notebook's power consumption, and if your system is less than a year old you'll experience major benefits by upgrading.

7. Double Your Desktop Space: Windows 98 includes a cool capability that can give you more viewable screen area for a fraction of the cost of a large-screen upgrade. Keep your 17-inch monitor, pop in a second PCI video adapter, plug in a second monitor and use both displays simultaneously.

8. Phone Smarts: Look in the Windows 98 Control Panel and you'll find a Telephony icon, packed with nifty features designed to help your PC get along better with the telephone network.

9. Web TV on your PC: Microsoft is integrating Web TV into Windows 98. Web TV for Windows works with the Windows Task Scheduler, allowing you to set reminders for shows you want to record.

10. Plug and Play Works (Finally): Plug and Play is still imperfect, but it works much, much better in Windows 98 than ever before. (from "PC Computing" magazine)

■ **A new TV-based Internet access device called TView I-Net** (from Focus Entertainment, Woburn, MA) allows users to navigate the Internet or Intranets, send and receive e-mail, gather and research information and shop all electronically through a television set or VGA monitor lashed to an infrared wireless keyboard. It should be on the market this fall.

■ **Those special station call sign prefixes coming out of Canada** are to commemorate the 125th anniversary of the formation of the Royal Canadian Mounted Police. They may be used until July 15, 1998. For example: VE1's may use the prefix: VX1. Here is the rest:

VE2 - VX2	VE5 - VX5	VO1 - XL1
VA2 - XK2	VE6 - VX6	VO2 - XL2
VE3 - VX3	VE7 - VX7	VY1 - XN1
VA3 - XK3	VE8 - VX8	VY2 - XN2
VE4 - VX4	VE9 - VX9	

■ The Wireless Institute of Australia (WIA) has an **interesting full color Amateur Radio prefix map** on the World Wide Web at: <<http://www.wiaq.powerup.com.au/images/prefix.gif>>

■ According to UK Morse magazine,

"**Morsum Magnificat, some members of the Radio Society of Great Britain ...have already resigned, or threatened to resign in protest**" of RSGB's new position on CW. As previously reported, the RSGB's Council (Board of Directors) will no longer support the Morse proficiency requirement as a condition of operating in the HF bands.

"This information was previously sent to all UK Morse Examiners on 22nd April in the form of a briefing document intended to allay rumors that the UK Morse test was about to be abolished. As details have gradually become known amongst UK amateurs in advance of the official announcement, now published, there has been a ground swell of indignation that the results of a survey on "The Future of Amateur Radio", announced in December 1996 have been ignored. In that survey two-thirds of those responding indicated their belief that Morse should remain as an international licensing requirement," says Morsum Magnificat on their web page.

■ In comments filed May 21st, the **American Radio Relay League has expressed overall support for the FCC's new Universal Licensing System** (WT Docket No. 98-20) and the for deleting the application process for foreign hams to operate in the United States.

The League's said it would "object strongly" if the FCC stopped issuing license documents to hams. The ARRL also discouraged the FCC from adopting a proposal to turn over issuance of club and military recreation licenses to private, third-party administrators.

The League suggested several changes for the new multiple-service FCC Form 605, scheduled to replace the FCC Form 610 when the ULS is adopted. The ARRL also urged the FCC to retain a standard physician's certification for a medical exemption from the higher-speed Morse Code requirement.

The ARRL questioned the requirement for applicants to supply a Social Security Number - except on Vanity call sign requests which carry a regulatory fee - due to the need for confidentiality.

The League also said the FCC should not make electronic filing mandatory as of January 1, 1999, as the FCC's Notice proposes since electronic filing is not yet available to all applicants.

A copy of the League's comments to the FCC is on the ARRLWeb page at <http://www.arrl.org/announce/uls-cmt.pdf>.

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Amazing Developments Dept.

STRANGE NEW RADIO SERVICE IN JAPAN!

Get Love With 'Lovegety'

If you're single, you can use radio technology to help find a partner -- as long as you're in Japan. Lovegety is a small unlicensed radio transceiver attached to a keychain. The \$25 gizmo acts as a personal beacon to attract someone to chat with, a karaoke singing partner, or a mate, depending on switch settings. Hundreds of thousands of units have been sold.

The Lovegety (or "Love-G") has an egglike enclosure with a bottom section that indicates its gender (blue for boys, pink for girls). A Lovegety will beep and flash when it detects another Lovegety, as long as the units are switched on, within close range (about 15 ft.), and of the opposite gender. (Some advertising for Lovegety poked fun at a man who wore lipstick and carried a ladies' Love-G.)

The manufacturer, Erfolg, is said to be developing additional models, some with longer range, voice capability and even a display of personal information.

The company intends to market Lovegety in Britain and Hong Kong. So far we haven't heard any plans to market the device in the U.S. If Erfolg does set its sights on the U.S., we recommend that it employ some good ad copywriters. Here is a sample of the company's English-language promotional material: "When a man has LOVEGETY, when a woman having LOVEGETY approaches the man, each LOVEGETY reacts, and a sound sounds. It is the product which can inform opponent of a feeling of oneself even if you do not speak this. If you are the person who is not readily invited to a woman, it is the most suitable product. Or it is the product which is most suitable when you demand an encounter with a woman different from usual. Therefore I use it, and you can be excited by a feeling of the time! There is residual various kinds of usage. Find it pleasantly hard together!"

See Lovegety at <http://www.kishina.com/lovegety2/>.

NEW CD-ROM DOES NOT SPIN!

James Russell, said to be the inventor of digital optical data recording that led to the modern-day CD-ROM, has created OROM, a new CD-ROM system with no moving parts. It packs 128 MB in a small disk about the size of a business card.

The OROM (Optical ROM) system will be marketed for use in portable information devices, and will be used to distribute software, electronic publications, multimedia content and entertainment. The disk is contained in a "data card" that is inserted into a small reader unit. Data access time is 10 milliseconds (ten times faster than CD-ROMs) at 1.6 MB/second.

Instead of reading data one bit at a time by rotating the disk as in conventional technology, the OROM sits still and is illuminated by LEDs inside the reader. Data is pre-recorded into more than 5000 "patches" on the disk, each storing 32 kilobytes of data. Light from the LEDs shines through the disk onto an image sensor and is converted into digital information for use by the computer or other device.

The system is not susceptible to data loss due to shock and vibration. It uses very little power (200 mW), and only during the 10 ms. data access period. At other times the reader consumes no power at all. A desktop recording system and recordable data cards will also be sold, for low volume production of data cards.

According to the manufacturer, Ioptics, "Some of the first applications for OROM will be in handheld PCs, miniature notebooks and Auto-PCs, as well as embedded systems like point-of-sale systems, industrial controls and TV set-top boxes. Ioptics also expects a significant market opportunity in portable video game and personal audio players."

The company anticipates product shipments starting in mid-1999. The initial user price for the reader will be about \$200, with data cards priced at about \$2.00-3.00.

Want to get in on the ground floor of this exciting technology? A certain Mr. Bill Gates is ahead of you. Microsoft Corp. is an early investor in the privately held Ioptics, which is located in Bellevue, WA. Ioptics has raised about \$15 million to date. (<http://www.ioptics.com>)

SELECTED COMMENTS ON RM-9267

The following comments have just been received at FCC on petition RM-9267 by the Land Mobile Communications Council to reallocate 70-cm spectrum to private mobile radio services. Reply comments are due June 15. Note the heavy participation from Western U.S. [QTH and CALL not found in some cases shown.]

"Last year's abysmal auction revenues of just \$13.6 million in the Wireless Communications Services (where \$1.8 BILLION was forecast), or that half of the Personal Communications Services (PCS) auction revenues (over \$10 billion) have been on the verge of default, are signs that Congress and the FCC have flooded the market with spectrum, literally creating a glut of spectrum. Further, most of the applications proposed by the LMCC for the 420-430 and 440-450 MHz bands will be better served by existing services. There is no need to re-allocate spectrum to the land mobile services for these applications." -- Edward Mitchell, KF7VY, Issaquah, WA

"As a licensed radio amateur for 40 years, I am

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dismayed by the LMCC proposal. I personally use the 421 MHz portion of the band as it is the repeater frequency for the local Amateur TV repeater here in Boulder. It is used by our Amateur Radio Emergency Service to broadcast pictures of forest fires to firefighters' command posts.

The Boulder County Sheriff's Department and the Boulder Police Department also depend on our ability to broadcast through that repeater pictures of events pertaining to public safety including flood level monitoring. Before you allow any reallocation of this portion of the spectrum, please weigh all of the issues and concerns of the current tenants of that spectrum." -- *John A. Ciaccia, Louisville, CO [CALLSIGN NOT GIVEN]*

"Our group provided the City of Watsonville with a view from a helicopter of flooded areas using ATV on the 70 cm band. We could not have provided this service on any other band. ...While we amateurs share this band effectively with the government today, it is not practical to share the band with land mobile radio systems. If private industry were given the primary allocation of this band, amateur use would be destroyed." - *Geoffrey Ellis, KD6MFM, Santa Cruz, CA*

"We at the Western Intertie Network (the WIN System) presently operate five high level UHF repeaters in the 440-450 MHz segment, covering from Southern Arizona to Central California, including all of the seven Counties of Southern California. Because of our wide area coverage, we have been able to handle innumerable pieces of emergency traffic during three major fires and two major earthquakes. ...

"These public service communications activities would be impossible to achieve without the 440 MHz amateur band 'wide area coverage' repeaters operated by the WIN System. We therefore strongly urge you to deny the demands of the LMCC. ...Their agenda is to make a profit from these frequencies, not to serve the public free of charge, as is the amateur credo." -- *Jeff Stouffer, K6JSI, Vista CA*

"All of our clubs provide volunteers to assist the Red Cross and area hospitals in time of local disaster. ...Initially we set up most our communications using two meter frequencies. While this has been successful in establishing communications from the disaster scene to the general area of each hospital, we have recently found that two meter transmissions have caused interference with some of the instrumentation in the various ICUs. ...

"We found that no such interference occurred when we used a frequency in the 70 cm amateur band. As a result, the hospitals have requested that we use 440 MHz frequencies for all transmissions in close proximity to and

within the hospitals themselves. For this reason, our ability to support disaster communications requirements involving area hospitals would be seriously damaged if RM-9267 is approved by the FCC." -- *San Diego Amateur Radio Council, G.W. Roos, KO6BU, Chairman*

"I ask you not only to deny the LMCC proposal but to also request that the FCC re-establish Amateurs' historical co-primary status in the entire band from 420-450 MHz. ...This band is used in my community for emergency communications support by ARES, linking repeaters for public service nets, and technical self-training activities like radio direction finding and antenna modeling. Sharing between private land mobile and the Amateur Radio Service is totally unworkable, because they have mutually incompatible goals." -- *James E. Henry, KE6WGO, Goleta, CA*

"Presently we share the 70-cm band, as secondary users with military radio location users. The infrequent radar interference to amateur communications has been minimal, and I am certain that the military has not found us bothersome. Just watch what happens if we load the 70-cm band with commercial primary users! There would be utter chaos on shared frequencies during national, state, and local emergencies, especially where we amateurs are not the primary user. ...We urge you not to experiment with the 70 cm band!" - *Robert J. Evans, WB6IXN, Santa Ana, CA*

"The LMCC cannot discount amateur radio use of the spectrum based on existing published information. Reporting and awareness of 420-430 MHz is intentionally limited to discourage unauthorized operations and thus maintain our legality. 420-430 MHz is used primarily as system control and linking spectrum to maintain our legal obligations. The systems and frequencies used in this band are a significant part of publicly available systems, but are not used directly by system users, nor are the frequencies occupied published for direct use. ...

"Should this proposal be accepted, I would strongly discourage anyone and everyone from participating in, investing in, contributing to, purchasing or subscribing to any future LMCC-related or member operated equipment or services. The LMCC should not be allowed to cause such economic impact, nor profit from it in any way. ...The net impact for just the Cactus Intertie system (55 systems with 800 users) = over \$1.5 million of individual private citizen/taxpayer after-tax money. ...Given similar conditions in other highly populated areas, Texas, Illinois, and much of the Eastern Seaboard, the total domestic economic damage the LMCC would be inflicting could easily reach \$500 million." -- *David G. Frandin, WA6QNW, [QTH NOT SUPPLIED]*